

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WEI MIN XU,

Plaintiff,

v.

MATT WEIS; JANE DOE WEIS; and
ALLSTATE FIRE AND CASUALTY
INSURANCE COMPANY,

Defendant.

CASE NO. 2:22-cv-00118-TL

ORDER TO SHOW CAUSE

This matter comes before the Court *sua sponte*, on review of the record.

Plaintiff filed this case in the King County Superior Court on January 14, 2022. Dkt. No. 1-1, at 2. Defendant Allstate Fire and Casualty Insurance Company removed the case to this Court on February 2, 2022. Dkt. No. 1. On February 7, 2022, the Court issued an order directing that the parties file a combined joint status report by April 4, 2022. Dkt. No. 5, at 2. Plaintiff and Allstate filed a Joint Status Report and Discovery Plan on April 4, 2022, in which the two parties

1 represented that Defendant Matt Weis has not been served with a summons and complaint. Dkt.
2 No. 9, at 5. There is no mention of “Jane Doe” Weis, much less whether she has been served. *Id.*

3 “In all cases removed from any State court to any district court of the United States in
4 which any one or more of the defendants has not been served with process or in which the
5 service has not been perfected prior to removal, . . . such process or service may be completed or
6 new process issued in the same manner as in cases originally filed in such district court.” 28
7 U.S.C. § 1448 (2018). Federal Rule of Civil Procedure 4(m) provides that, “[i]f a defendant is
8 not served within 90 days after the complaint is filed, the court . . . must dismiss the action
9 without prejudice against that defendant or order that service be made within a specified time.”

10 The Court’s initial scheduling order directed that if any Defendant had not been served on
11 the due date of the Joint Status Report, counsel for Plaintiff “shall advise the Court when service
12 will be effected[] [and] why it was not made earlier[.]” Dkt. No. 5, at 5. Here, Plaintiff’s 90 days
13 to serve process on Defendants expired on April 14, 2022, and it appears neither Defendant Matt
14 Weis nor “Jane Doe” Weis (the “Weis Defendants”) have been served with process. Plaintiff and
15 Allstate have submitted a Joint Status Report, but Plaintiff failed to provide the information
16 required regarding service of these defendants in the report. The Court is prepared to move
17 forward with issuing a scheduling order pursuant to Federal Rule of Civil Procedure 16 and
18 Local Civil Rule 16 once this issue involving the Weis Defendants is resolved.

19 Accordingly, it is hereby ORDERED as follows:

20 Not later than **May 4, 2022**, counsel for Plaintiff shall SHOW CAUSE in writing as to why
21 the Weis Defendants should not be dismissed without prejudice for failure to timely serve
22 process under Rule 4(m).

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1 Dated this 20th day of April 2022.

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3 Tana Lin
4 United States District Judge
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